

REMARKS

Summary of the Invention:

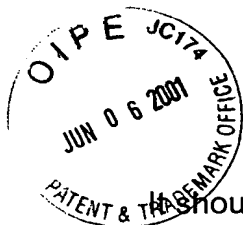
Applicants' claimed invention is directed to a polyurethane elastomer prepared from a composition comprising at least one higher molecular weight polyhydroxyl compound, 2,3,5,6-tetramethyl-1,4-diisocyanatobenzene and at least one low molecular weight chain-lengthening and/or crosslinking agent. The polyurethane cast elastomers prepared from this composition have increased color stability, high-quality mechanical properties, and are inexpensive to prepare. Additionally, prepolymers prepared from Applicants' claimed composition have high storage stability, resulting in longer, user-friendly processing time.

Rejection of Claims 1-4 under 35 U.S.C. § 102(b):

The Patent Office rejected Claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by DE 955,094 ("Windemuth et al."). The Patent Office believes that Windemuth et al. disclose, in Example 2, a polyurethane made by chain extending with water a prepolymer of a polyester and durene diisocyanate. This rejection is respectfully traversed.

In order for a reference to anticipate, the claimed invention must be the same as that of the reference. See Glaverbel Societe Anonyme v. Northlake Marketing & Supply Inc., 45 F.3d 1550, 33 U.S.P.Q.2d 1496, 1498 (Fed. Cir. 1995). Applicants' claimed invention is not anticipated by Windemuth et al. because Applicants' claimed invention is different than the invention disclosed by Windemuth et al.

Windemuth et al. do not disclose in Example 2 a polyurethane made from a reaction mixture that includes a chain lengthening or cross-linking agent, as required in Applicants' claimed invention. Rather, Windemuth et al. disclose in Example 2 a polyester reacted only with tetramethyl-p-phenylene diisocyanate. The glycol in Example 2 of Windemuth et al. is used to prepare a polyester not to extend the polyurethane chain, as disclosed in Applicants' claimed invention. Additionally, the invention disclosed by Windemuth et al. is different from Applicants' claimed invention because Windemuth et al. disclose a viscous coating which is resistant to light, while Applicants' claimed invention is directed to elastomers with high-quality mechanical properties.



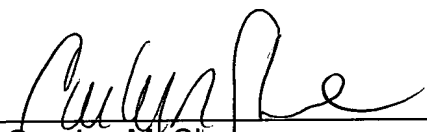
It should also be noted that a reference is not available under 35 U.S.C. § 103 if it was not pertinent to the particular problem with which the inventor was involved. See King Instrument Corp. v. Otari Corp., 767 F.2d 853, 226 U.S.P.Q. 401 (Fed. Cir. 1985). Windemuth et al. are involved with the problem of producing surface images from organic compounds which are highly resistant to light. Applicants, on the other hand, are involved with the problem of improving the mechanical properties of elastomers.

Since Windemuth et al. is not the same invention as Applicants' claimed invention, the reference does not anticipate Applicants' claimed invention. Considering the foregoing, Applicants respectfully request that the Patent Office withdraw its rejection of Claims 1-4 under 35 U.S.C. § 102(b) and enter allowance of these Claims.

CONCLUSION

For the foregoing reasons, Applicants respectfully request: that the rejection of Claims 1-4 under 35 U.S.C. § 102(b) be withdrawn; and that pending Claims 1-4 be allowed to issue as a U.S. patent.

Respectfully submitted,

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